

EXHIBIT C

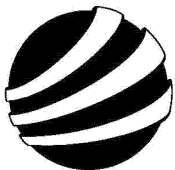
In the Matter Of:

ROBERT HUNTER BIDEN vs PATRICK M. BYRNE

2:23-cv-09430-SVW-PD

SPECIAL AGENT DAVID SMITH

April 21, 2025



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SPECIAL AGENT DAVID SMITH
ROBERT HUNTER BIDEN vs PATRICK M. BYRNE

April 21, 2025

1

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3 ROBERT HUNTER BIDEN, an
4 individual,
5 Plaintiff,

6 vs.

Case No.

7 PATRICK M. BYRNE, an
8 individual,
9 Defendant.

2:23-cv-09430-SVW-PD

10 _____/

11

12 The Deposition of FBI SPECIAL AGENT DAVID SMITH

13 10:00 a.m. - 10:11 a.m.

14 April 21, 2025

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23 REPORTED BY:

24 STEVEN POULAKOS, RPR

25 JOB NO: J12703813

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April 21, 2025

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8 The deposition of FBI SPECIAL AGENT DAVID
9 SMITH was held on Monday, April 21, 2025, commencing at
10 10:00 a.m., at the Law Offices of The U.S. Department
11 of Justice, 1100 L Street, N.W., Washington, D.C.
12 20005, before Steven Poulakos, Notary Public.
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20 REPORTED BY: Steven Poulakos, RPR
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1 APPEARANCES:

2 ON BEHALF OF THE DEPONENT:

3 JACQUELINE COLEMAN SNEAD, ESQUIRE

4 U.S. Department of Justice

5 1100 L Street, N.W.

6 Washington, D.C. 20005

7 Telephone: 202.514.3418

8 Email: jacqueline.snead@usdoj.gov

14 ALSO PRESENT: POOJA PATEL

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P R O C E E D I N G S

- - -

Whereupon,

FBI SPECIAL AGENT DAVID SMITH,
called as a witness, having been first duly sworn to
tell the truth, the whole truth, and nothing but the
truth, was examined and testified as follows:

PLAINTIFF'S RULE 31 DEPOSITION QUESTIONS

Q Please state your name.

A Dave Smith.

Q Do you reside in California?

A No.

Q How are you employed?

A With the United States government.

Q Is your employment located in California?

A No.

Q How long have you been employed with that
entity?

A Twelve years.

Q Mr. Byrne testified in this action that in
late 2021 or early 2022 you met with him and John
Moynihan at a parking lot at Reagan National Airport
where Mr. Byrne played you an audio recording in which
there was a conversation between someone and Mr. Byrne

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1 in which it was stated that Mr. Robert Hunter Biden,
2 through an intermediary, had approached the Iranian
3 government with an offer to have his father, President
4 Joe Biden, unfreeze \$8 billion in Iranian funds in
5 South Korea in return for the Iranians paying the
6 Biden's 10 percent of those funds which would go into a
7 numbered account for his family. Is that accurate?

8 MS. SNEAD: This is Jacqueline Coleman
9 Snead. I'm an attorney with the Department of Justice.
10 I'm here appearing on behalf of Special Agent Smith.
11 Special Agent Smith is appearing pursuant to a
12 subpoena. The Department has authorized certain of his
13 testimony. I am here to ensure that he complies with
14 the authorization.

15 The Department of Justice objects to this
16 question on the grounds that the information sought is
17 subject to the law enforcement privilege and/or may
18 implicate classified information to which the parties
19 are not entitled.

20 Subject to this objection, Special Agent
21 Smith may respond.

22 A No.

23 Q Mr. Byrne testified in this action that he
24 gave you in the car a copy of the recording that Mr.
25 Byrne claims to have played for you as described in

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1 Question Number 6. Is that accurate?

2 MS. SNEAD: The Department of Justice
3 objects to the question on the grounds that information
4 sought is subject to the law enforcement privilege
5 and/or may implicate classified information to which
6 the parties are not entitled.

7 Subject to that objection, Special Agent
8 Smith may respond.

9 A I do not recall.

10 Q Did Mr. Byrne give you the recording via
11 AirDrop or through another medium such as the messaging
12 application "Signal"?

13 MS. SNEAD: The Department objects to this
14 question on the grounds that the information sought is
15 subject to the law enforcement privilege and/or may
16 implement classified information to which the parties
17 are not entitled.

18 Subject to this objection, Special Agent
19 Smith may respond.

20 A I do not recall.

21 Q Mr. Byrne testified in this action that you
22 told him to delete the recording and not keep a copy of
23 it. Is that accurate?

24 MS. SNEAD: The Department objects to this
25 question on the grounds that the information sought is

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1 subject to the law enforcement privilege and/or it may
2 implicate classified information to which the parties
3 are not entitled.

4 Subject to that objection, Special Agent
5 Smith may respond.

6 A No.

7 Q Mr. Byrne testified in this action that you
8 confirmed, through various actions by various
9 government agencies, the identity of the voice on the
10 voicemails played on the recording and communicated
11 that to Mr. Byrne either directly or through Mr.
12 Moynihan. Is that accurate?

13 MS. SNEAD: The Department objects to this
14 question on the grounds that the information sought is
15 subject to the law enforcement privilege and/or it may
16 implicate classified information to which the parties
17 are not entitled.

18 Subject to this objection, Special Agent
19 Smith may respond.

20 A No.

21 Q Mr. Byrne testified in the action that you
22 confirmed the voice on the voicemails played on the
23 recording was identified as the son of a high-ranking
24 official with the Pakistani Minister of Defense and
25 communicated that to Mr. Byrne either directly or

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1 through Mr. Moynihan. Is that accurate?

2 MS. SNEAD: The Department objects to this
3 question on the ground that the information sought is
4 subject to the law enforcement privilege and/or may
5 implicate classified information to which the parties
6 are not entitled.

7 Subject to that objection, Special Agent
8 Smith may respond.

9 A No.

10 Q Mr. Byrne testified in this action that you
11 confirmed the voice on the voicemails played on the
12 recording was identified as someone who had close ties
13 to Mr. Hunter Biden and communicated that to Mr. Byrne
14 either directly or through Mr. Moynihan. Is that
15 accurate?

16 MS. SNEAD: The Department objects to this
17 question on the grounds that the information sought is
18 subject to the law enforcement privilege and/or may
19 implicate classified information to which the parties
20 are not entitled.

21 Subject that objection, Special Agent Smith
22 may respond.

23 A No.

24 Q Mr. Byrne testified in this action that you
25 confirmed the voice on the voicemail played on the

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1 recording was identified as someone who acted as a
2 proxy for Hunter Biden and communicated that to Mr.
3 Byrne either directly or through Mr. Moynihan. Is that
4 accurate?

5 MS. SNEAD: The Department objects to this
6 question on the grounds that the information sought is
7 subject to the law enforcement privilege and/or may
8 implicate classified information to which the parties
9 are not entitled.

10 Subject to that objection, Special Agent
11 Smith, you may respond.

12 A No.

13 Q Mr. Byrne testified in this action that you
14 described to Mr. Byrne a letter that FBI Director
15 Christopher Wray sent out to every FBI agent in the
16 bureau saying not to have any contact with Mr. Byrne.
17 Is that accurate?

18 MS. SNEAD: The Department objects to this
19 question on the grounds that the information sought is
20 subject to the law enforcement privilege and/or may
21 implicate classified information to which the parties
22 are not entitled.

23 Subject to that objection, Special Agent
24 Smith may respond.

25 A No.

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1 DEFENDANT'S RULE 31 CROSS-EXAMINATION QUESTIONS

2 Q Mr. Byrne testified in this action that he
3 provided to you a recording that involved Hunter Biden
4 and Iranian Officials. Do you recall receiving any
5 recording from Mr. Byrne related to or involving Hunter
6 Biden and Iranian Officials?

7 A No.

8 Q If Mr. Byrne provided any recordings to
9 you, did you ask him to delete the recordings from any
10 device still in his possession?

11 A No.

12 Q Is it common practice for the FBI to advise
13 informants to retain copies of sensitive information or
14 evidence related to national security matters?

15 MS. SNEAD: The Department of Justice
16 objects to Defendant's proposed cross-examination
17 question 3 because it seeks the FBI's law enforcement
18 method and, therefore, is protected by privilege from
19 disclosure.

20 Accordingly, I am instructing Special Agent
21 Smith not to respond to Question Number 3.

22 Q Did the National Security Agency confirm
23 the voice identification of the individual on the three
24 voicemails including the recording provided to you by
25 Mr. Byrne?

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1 MS. SNEAD: The Department of Justice lacks
2 authority to authorize the disclosure of official
3 information belonging to another federal agency.

4 Moreover, Special Agent Smith, as an
5 employee of the Department of Justice, is not a proper
6 witness to testify about the National Security Agency.

7 Accordingly, Special Agent Smith is not
8 authorized to respond to this question and I'm
9 instructing him not to answer.

10 Q Did the National Security Agency confirm
11 that the identified has or had a relationship or
12 connection with Hunter Biden?

13 MS. SNEAD: The Department of Justice lacks
14 authority to authorize the disclosure of official
15 information belonging to another federal agency.

16 Moreover, Special Agent Smith, as an
17 employee of the Department of Justice, is not a proper
18 witness to testify about the national Security Agency.

19 Accordingly, Special Agent Smith is not
20 authorized to respond to Defendant's proposed
21 cross-examination Question Number 5 and I'm instructing
22 him not to answer.

23 Q Did the National Security Agency confirm
24 that the identified individual acted as a proxy for
25 Hunter Biden?

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1 MS. SNEAD: The Department of Justice lacks
2 authority to authorize the disclosure of official
3 information belonging to another federal agency.

4 Moreover, Special Agent Smith, as an
5 employee of the Department of Justice, is not a proper
6 witness to testify about the National Security Agency.

7 Accordingly, Special Agent Smith is not
8 authorized to respond to Defendant's proposed
9 cross-examination Question 6 and I'm instructing him
10 not to answer.

11 (Deposition was concluded at 10:11 a.m.)
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CERTIFICATE OF DEPONENT

I hereby certify that I have read and
examined the foregoing transcript, and the same is a
true and accurate record of the testimony given by me.

Any additions or corrections that I feel
are necessary will be made on the Errata Sheet.

FBI Special Agent David Smith

Date

(If needed, make additional copies of the Errata Sheet
on the next page or use a blank piece of paper.)

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ERRATA SHEET

Case: Robert Hunter Biden V Patrick M. Byrne

Witness: FBI Special Agent David Smith

Date: 04/21/2025

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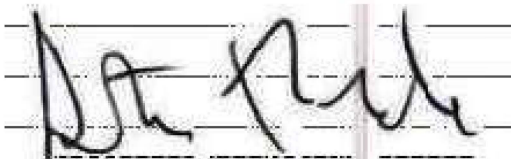
CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, Steven Poulakos, registered
Professional Reporter, the officer before whom the
foregoing proceedings were taken, do hereby certify
that the foregoing transcript is a true and correct
record of the proceedings; that said proceedings were
taken by me stenographically and thereafter reduced to
typewriting under my supervision; and that I am neither
counsel for, related to, nor employed by any of the
parties to this case and have no interest, financial or
otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal this 21st day of
April 2025.

My commission expires:

August 14, 2029

A handwritten signature in black ink, appearing to read "St. Poulakos", is written over a horizontal line. Below the line is a dashed line.

NOTARY PUBLIC IN AND FOR
THE DISTRICT OF COLUMBIA

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